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ARTEC GROUP, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ARTEC GROUP, INC., a California
Corporation,

Plaintiff,

vs.

ANDREY KLIMOV, an individual, et al.,

Defendants.

) Case No. 15-cv-03449-RMW (HRLx)

) **NOTICE OF RULING AND ~~PROPOSED~~**

) **ORDER RE: FURTHER CASE**

) **MANAGEMENT CONFERENCE**

) Date: May 13, 2016

) Time: 10:30 a.m.

) Place: Ctrm. 6, 4th Fl.

) 280 S. 1st St.

) San Jose, CA 95113

) Judge: Hon. Ronald M. Whyte

) Trial Date: None Set

) Action Filed: July 27, 2015

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 On May 13, 2016 at 10:30 a.m. in Courtroom 6 of the United States District Court for the
 3 Northern District of California, San Jose Division, the Further Case Management Conference in
 4 the above-captioned matter of *Artec Group, Inc. v. Andrey Klimov, et al.* came before the Court,
 5 the Hon. Ronald M. Whyte presiding. Louise Ann Fernandez and Benjamin Davidson (via Court
 6 Call) appeared on behalf of Plaintiff Artec Group, Inc. Oly Filatova appeared on behalf of
 7 Defendants Andrey Klimov, Yulia Klimova, Anna Stebleva, A-Star LLC, and ID-Wise SIA
 8 (“Defendants”). No appearance was entered on behalf of Defendant Axon Business Systems, LLC
 9 (“Axon”).

10 The Court ordered as follows:

11 1. Plaintiff shall serve Axon within 45 days.

12 2. In the interim, the Court set the following discovery requirements¹:

13 a. Plaintiff is to provide Defendants with all documents pursuant to the
 14 disclosure rules, which include: (i) any agreements and formation agreements alleged in the
 15 complaint and any agreement with Axon²; (ii) an itemization of alleged damages (disclosed in
 16 good faith but not binding on Plaintiff), which shall set forth types of damages and parameters of
 17 appropriate damages and amount thereof; (iii) any insurance policies and, if no insurance policies
 18 exist then a declaration shall be filed by Plaintiff’s representative stating no insurance policies
 19 exist; and (iv) Any contracts Plaintiff claims it lost.

20 b. Defendants shall provide to Plaintiff (i) any documents which reference
 21 Trade Secrets listed in Plaintiff’s Identification of Trade Secrets filed under seal on April 4, 2016;

23 ¹ Parties have agreed in correspondence that all documents pursuant to Sections 2(a) and
 24 (b) shall be produced no later than 5:00 p.m. on July 8, 2016.

25 ² Defendants have stated in correspondence that Section 2(a)(i) should read “any
 26 agreements **and correspondence regarding** formation of agreements alleged in the complaint and
 27 any agreement with Axon.” Plaintiff does not believe this is reflected by the Minute Entry.
 28 However, Plaintiff has offered to agree to this revision if Defendants agree to produce “any
 contracts **and correspondence related to contracts** Defendants have as to former customers of
 Artec” (Section 2(b)(ii)). Defendants have not agreed to this proposal.

1 (ii) any documents pertaining to the formation of allegedly competing entities; and (iii) any
2 contracts Defendants have as to former customers of Artec, with the agreement that if such
3 documents(s) cannot be produced then Defendants shall provide Plaintiff with information such as
4 a privilege log why the document(s) cannot be produced;

5 c. No depositions shall be taken until Defendant Axon is in the case.

6 3. The Court ordered that the parties shall submit a further Joint Discovery Plan prior
7 to the next case management conference. The plan shall provide a list of the depositions the
8 parties wish to take, which shall include the individual's name, description of the scope of the
9 information to obtain (most knowledgeable information) and the reason for taking the deposition,
10 and any further written discovery the parties wish to do. The Joint Discovery Plan shall include
11 the agreed upon discovery and, alternative paragraphs providing the discovery not agreed upon, so
12 that the plan can be converted to an order.

13 4. The parties' Joint Case Management Statement and Discovery Plan is due by July
14 15, 2016.

15 5. A Further Case Management Conference is set for July 22, 2016 at 10:30 a.m. in
16 Courtroom 6, 4th Floor, of the San Jose Courthouse.

17 6. Plaintiff is to prepare this order within seven days.

18
19 Dated: May 19, 2016

Respectfully submitted,

20 By: /s/ Benjamin Davidson
21 Law Offices of Benjamin Davidson, P.C.
22 Attorneys for Plaintiff ARTEC GROUP, INC.

23 ~~[PROPOSED]~~ ORDER

24 It is so ordered.

25 Dated: May 23, 2016

26 
27 Ronald M. Whyte
28 United States District Judge